

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

FILED

APR 06 2020

Clerk, U S District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MERVIN LEROY SMALL,

Defendant.

Case No. CR 07-132-BLG-SPW

ORDER

On March 27, 2020 an Administrative Order superseding the Administrative Order filed on March 16, 2020 was filed by Chief Judge Morris regarding COVID-19 and the advised precautions to reduce the possibility of exposure to the virus and slow the spread of the disease. On March 27, 2020 the President signed into law the CARES Act, H.R. 748. Subject to the Judicial Conference of the United States finding that “emergency conditions due to the national emergency declared by the President” will “materially affect the functioning of either the Federal courts generally or a particular district court of the United States,” the Chief Judge hereby authorizes “the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available,” for the ten types of criminal procedures enumerated in Section 15002(b)(1) of the CARES Act.

See also The President's Coronavirus Guidelines for America, CDC, 2 (2020), (recommending canceling events involving ten or more people) https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf

Therefore,

IT IS HEREBY ORDERED that the Revocation Hearing set for Friday, April 17, 2020 at 2:30 p.m. is **VACATED**.

IT IS FURTHER ORDERED that the Revocation Hearing is **RESET VIA VIDEO from the Crossroads Correctional Facility (Shelby) on Monday, April 13, 2020 at 9:30 a.m.** Counsel may appear in the Snowy Mountains Courtroom thirty (30) minutes prior to the hearing to video conference with Defendant. If the defendant objects to this hearing being held via video, he must file a motion to continue the hearing to allow time for the defendant to be transported.

The Clerk of Court is directed to notify counsel and the U.S. Marshals Service of the making of this Order.

DATED this 6th day of April, 2020.


SUSAN P. WATTERS
U.S. DISTRICT COURT JUDGE